

### REMARKS

**[0002]** Applicant respectfully requests reconsideration and allowance of all of the claims of the application. The status of the claims is as follows:

- Claims 1-3, 6-44 and 46-53 are currently pending.
- Claims 45 and 54-56 are canceled herein.
- Claims 1, 17, 21, 31, 44 and 50 are amended herein.

**[0003]** Support for the amendments to claims 1, 17, 21, 31, 44 and 50 is found in the specification at least at paragraph [0028], [0043], and [0049] of U.S. Patent Application Publication No. 2005/0210498 (which corresponds to the present application and shall be referred to herein as the '498 Publication).

**[0004]** Claims 1, 17, 21, 31, 44, and 50 are the independent claims. These claims are amended herein with support found in the original disclosure. No new matter has been added through the amendments presented herein. Favorable consideration is respectfully requested.

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**Cited Documents**

**[0005]** The following documents have been applied to reject one or more claims of the Application:

- **Shah:** Shah-Nazaroff, U.S. Patent No. 6,157,377
- **Plotnick:** Plotnick et al., U.S. Patent Application Publication No. 2002/0144262
- **Blahut:** Blahut et al., U.S. Patent No. 5,532,735
- **Rodriguez:** Rodriguez; U.S. Patent No. 7,340,759
- **Stuckman:** Stuckman et al., U.S. Patent Application Publication No. 2004/0111756
- **Eldering:** Eldering et al., U.S. Patent Application Publication No. 2003/0149975
- **Yui:** Yui et al., U.S. Patent No. 6,972,680

**Claims 1-6, 13, 15, 17-22, 24-26, 31, 32, 34-36, 41, 44, 46, 47, 50 and 54-56 Are Non-Obvious Over Shah and further in view of Plotnick and Blahut**

**[0006]** Claims 1-6, 13, 15, 17-22, 24-26, 31, 32, 34-36, 41, 44, 46, 47, 50 and 54-56 stand rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Shah and further in view of Plotnick and Blahut. Applicant respectfully traverses the rejection, and further requests that the rejections be reconsidered and withdrawn.

**Independent Claim 1**

**[0007]** In light of the amendments presented herein, Applicant submits that the rejection of independent claim 1 is moot. Specifically, the combination of Shah, Plotnick and Blahut does not teach or suggest at least the claimed, "the view control input comprises a navigation control selected from a plurality of navigation controls" and that

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"each navigation control of the plurality of navigation controls has an associated cost adjustment."

**[0008]** It is respectfully submitted that the cited documents, and particularly Bahlut, fails to teach or suggest "the view control input comprises a navigation control selected from a plurality of navigation controls" and that "each navigation control of the plurality of navigation controls has an associated cost adjustment" as recited in amended claim 1. Rather, Bahlut describes an interactive television system (ITV) which transmits a program and a set of advertisements to a viewer and allows the viewer to specify the amount of advertisement she wishes to view with the program (Bahlut, col. 1, line 61 – col. 2, line 18). As pointed out by the Examiner, Bahlut does teach that the viewer can skip the advertisements entirely. (See Action, page 5). The Examiner has equated skipping the advertisements with a skip ahead command. *Id.* The Examiner then reasons that "it would have been obvious to one of ordinary skill in the art at the time of the invention that the "reaction" to the canceling taught by Bahlut would be to increase the fee for the VOD program since Bahlut teaches that the fee charged for the program is directly related to how many advertisements the user receives." *Id.*

**[0009]** Applicant respectfully traverses the Office's reasoning, but in an attempt to further distinguish independent claim 1 from the cited art, Applicant has further amended independent claim 1. Claim 1 now recites in part that "the view control input comprises a navigation control selected from a plurality of navigation controls" and that "each navigation control of the plurality of navigation controls has an associated cost adjustment." First applicant would respectfully point out that Bahlut does not teach or suggest a plurality of navigation controls. Instead, Bahlut simply teaches that

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responsive to a notification, the viewer can "cancel" the set of upcoming advertisements. (Bahlut, col. 5, lines 30-35). No additional navigational controls are taught nor suggested.

**[0010]** Secondly, Bahlut does not teach or suggest "each navigation control of the plurality of navigation controls has an associated cost adjustment." As explained in the present application, "each content navigation input has an associated network cost and may result in an alternate media stream and/or additional bandwidth requirements to accommodate the many media stream distribution factors." (See '498 Publication, paragraph [0028]). "The cost is adjusted according to the view control input and how the media content and/or advertisement is rendered. For example, the valuation application can decrease the cost according to a decrease in bandwidth to distribute a reduced resolution media content to the client device." (See '498 Publication, paragraph [0043]). "The valuation application can [also] increase the cost based on the advertisement not being rendered for viewing, in response to a command to advance the media content, in response to a command to replay a portion of the media content, and in response to a command to pause the media content." *Id.*

**[0011]** Bahlut does not teach or suggest that "the view control input comprises a navigation control selected from a plurality of navigation controls" and that "each navigation control of the plurality of navigation controls has an associated cost adjustment." Applicant further respectfully submits that Shah and Plotnick do not compensate for the aforementioned deficiencies of Bahlut, relative to the pending claims.

[0012] Consequently, the cited documents do not teach or suggest all of the elements and features of this claim. Accordingly, Applicant respectfully requests that the rejection of this claim be withdrawn.

Dependent Claims 2, 3 and 6-16

[0013] Claims 2, 3 and 6-16 ultimately depend from independent claim 1. As discussed above, claim 1 is allowable over the cited documents. Therefore, claims 2, 3 and 6-16 are also allowable over the cited documents of record for at least their dependency from an allowable base claim. These claims may also be allowable for the additional features that each recites.

Independent claim 17 and dependent claims 18-20

[0014] Applicant respectfully contends that the arguments set forth above with respect to independent claim 1, as amended, apply with equal weight here and the cited documents do not teach or suggest all of the claimed elements and features of independent claim 17. Accordingly, Applicant respectfully asks the Examiner to withdraw the rejections of claim 17.

[0015] Further, dependent claims 18-20 are allowable for at least the same reasons that independent claim 17 is allowable. Applicant respectfully requests that the Examiner withdraw the rejection of dependent claims 18-20.

Independent claim 21 and dependent claims 22-30

[0016] Applicant respectfully contends that the arguments set forth above with respect to independent claim 1, as amended, apply with equal weight here and the cited documents do not teach or suggest all of the claimed elements and features of

independent claim 21. Accordingly, Applicant respectfully asks the Examiner to withdraw the rejections of claim 21.

**[0017]** Further, dependent claims 22-30 are allowable for at least the same reasons that independent claim 22 is allowable. Applicant respectfully requests that the Examiner withdraw the rejection of dependent claims 22-30.

*Independent claim 31 and dependent claims 32-43*

**[0018]** Applicant respectfully contends that the arguments set forth above with respect to independent claim 1, as amended, apply with equal weight here and the cited documents do not teach or suggest all of the claimed elements and features of independent claim 31. Accordingly, Applicant respectfully asks the Examiner to withdraw the rejections of claim 31.

**[0019]** Further, dependent claims 32-43 are allowable for at least the same reasons that independent claim 31 is allowable. Applicant respectfully requests that the Examiner withdraw the rejection of dependent claims 32-43.

*Independent claim 44 and dependent claims 45-49*

**[0020]** Applicant respectfully contends that the arguments set forth above with respect to independent claim 1, as amended, apply with equal weight here and the cited documents do not teach or suggest all of the claimed elements and features of independent claim 44. Accordingly, Applicant respectfully asks the Examiner to withdraw the rejections of claim 44.

[0021] Further, dependent claims 45-49 are allowable for at least the same reasons that independent claim 44 is allowable. Applicant respectfully requests that the Examiner withdraw the rejection of dependent claims 45-49.

Independent claim 50 and dependent claims 50-53

[0022] Applicant respectfully contends that the arguments set forth above with respect to independent claim 1, as amended, apply with equal weight here and the cited documents do not teach or suggest all of the claimed elements and features of independent claim 50. Accordingly, Applicant respectfully asks the Examiner to withdraw the rejections of claim 50.

[0023] Further, dependent claims 51-53 are allowable for at least the same reasons that independent claim 50 is allowable. Applicant respectfully requests that the Examiner withdraw the rejection of dependent claims 51-53.

Conclusion

[0024] If any issues remain that would prevent allowance of this application, Applicant requests that the Examiner contact the undersigned representative before issuing a subsequent Action.

Respectfully Submitted,

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